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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007377 -1IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Curtis Timothy Gross

Confirmation No.: 5998

Application No.: 09/920591

Examiner: Sargon N. Nano

Filing Date: Jul 31, 2001

Group Art Unit: 2157

Title: Method And Apparatus For Providing Network Access To A Shared Image Projection Device

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on Mar 28 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Date of facsimile: May 26 2006

Typed Name: Carrie McKenley

Signature: 

Respectfully submitted,

Curtis Timothy Gross

By 

Phillip S. Lyren

Attorney/Agent for Applicant(s)

Reg No.: 40,709

Date: May 26 2006

Telephone: 281 514 8238

Rev 10/06 (ReplyBrt)

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Curtis Timothy Gross

By Philip S. Lyren

Philip S. Lyren

Attorney/Agent for Applicant(s)

Reg No.: 40,709

Date: May 26 2006

Telephone: 281 514 8238

Rev 1006 (ReplyBri)

MAY 26 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Curtis T. Gross	Examiner:	Sargon N. Nano
Serial No.:	09/920,591	Group Art Unit:	2157
Filed:	July 31, 2001	Docket No.:	10007377-1
Title:	Method and Apparatus for Providing Network Access to a Shared Image Projection Device		

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**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated March 28, 2006, Applicant files this Reply Brief in accordance with 37 C.F.R. § 41.41.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

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### **ARGUMENT**

#### **Claim Interpretation**

Claim interpretation is a primary issue in this appeal. The Examiner and Applicant strongly disagree on how claims and art should be construed during examination of a patent application. Applicant uses claim 1 as an example and phrases the issue as follows:

If an independent claim is directed to "an" apparatus that comprises three elements (a network interface, a client, and a video display driver), can the Examiner pick and choose unrelated elements from multiple disparate computing devices in a large computing system to show the elements of an apparatus and reject the independent claim under 35 USC § 102?

Applicant argues that the answer to this issue is "no." Applicant further argues that the Examiner is not properly interpreting the reference (DeNicola) and the claims in order to reject the claims.

Claim 1 recites "an" apparatus (i.e., "an" adapter) that contains three elements (a network interface, a client, and a video display driver). Applicant's FIG. 1 shows an adapter 10 comprising a network interface 28, a client 22, and a video display driver 24. The Office Action cites elements in multiple disparate computing devices in a large computer system to allegedly shown this adapter and its three claim elements. For instance, in order to reject the first claim element (network interface), the Office Action cites DeNicola at col. 10, line 65 – col. 11, line 4 and figure 4. This section of DeNicola teaches a web server system 26 that includes a Web site interface. Next, in order to reject the second claim element (client), the Office Action cites DeNicola at col. 11 lines 34-41. This section of DeNicola teaches that students can use a computer to take exams, download class workbooks, and obtain objects such as archived video files. Lastly, in order to reject the third claim element (video display driver), the Office Action cites DeNicola at col. 8, lines 30-55 and col. 9, lines 3-15. These sections of DeNicola teach a complex communication link 23 (see FIG. 2) having many inverse multiplexers 60 (IMUXs), a telephone company 58, a network relay bridging company 58, etc.

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The Examiner is picking and choosing unrelated elements from multiple disparate computing devices in a large computing system to show the elements of an apparatus and reject the claims under 35 USC § 102. Applicant respectfully asks the Board of Appeals to review FIG. 2 of DeNicola. In order to reject the first claim element (network interface), the Examiner cites a web site interface in web server system 26. By contrast, in order to reject the second claim element (client), the Examiner cites students at remote locations 24 interacting with a computer 66. By further contrast, in order to reject the third element (video display driver), the Examiner cites the large and complex communication link 23.

Claim 1 recites an apparatus (i.e., an adapter). This adapter has three elements. Nowhere does DeNicola teach an apparatus that comprises these three claim elements and the associated recitations cited in the claim.

For at least these reasons, Applicant respectfully asks the Board of Appeals to reverse the rejections under 35 USC § 102.

#### Examiner Changing Arguments After Issuance of Final OA

The assignee of record (Hewlett-Packard, Co.) has spent significant time and money responding to arguments in several office actions. The Examiner, however, has changed these arguments in the Examiner's Answer Brief. Specifically, in the Office Actions dated 10/21/2004 and 4/20/2005, the Examiner rejected the "client element" in independent claims 1 and 17 with the following rejections:

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (see col. 11 lines 34-41 DeNicola discloses students interaction with the Web site).

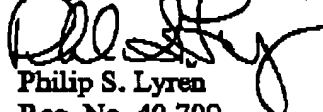
This citation constitutes the entire rejection that the Examiner ever offered in rejecting the "client element" for independent claim 1 and 17. Now, for the first time in the Examiner's Answer Brief, the Examiner is providing new arguments with respect to the "client element." Now, the Examiner argues that student workstations are to be interpreted as the recited "client element" (see Examiner's Answer at p. 12).

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Regardless of the various positions of the Examiner, Applicant respectfully argues that nowhere whatsoever does DeNicola teach an apparatus that contains three elements of a network interface, a client, and a video display driver. In fact, the Examiner's latest arguments (i.e., that the claimed "client element" is a student workstation) actually support Applicant's position: The Examiner is combining unrelated elements from multiple disparate computing devices to reject the claims under section 102. The Examiner picks one element from a student workstation, another element from a server system, and another element from a complex communications link. This piecemeal construction of unrelated elements is improper under 35 USC 102.

For at least these reasons, Applicant respectfully asks the Board of Appeals to reverse the rejections under 35 USC § 102.

Respectfully submitted,

  
Philip S. Lyren  
Reg. No. 40,709  
Ph: 832-236-5529

CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 26th day of May, 2006.

By   
Name: Carrie McKerley